



AB 1408 – Smart Water Community Development Act

Introduced 4/30/09

Updated: 5/19/09

ISSUE

Regions throughout the state are finding it more difficult to accommodate new growth as critical problems, including climate change, limit water supplies from the Colorado River, the Bay Delta Estuary, and groundwater sources.

Yet, as California addresses lost water supply reliability, the state must also find a way to accommodate the water needs of millions more residents while supporting our existing economy, communities, and ecosystems. Our population is estimated to nearly double - reaching about 60 million by 2050. In short, we will need to serve more people with less reliable supplies from traditional water sources.

According to the Department of Water Resources, water efficiency and enhanced development of local water supplies could provide over 4 million acre feet of new water (enough for 8 million California families) by 2030. However, current law does not provide a viable mechanism to allow communities to access and develop these reliable water supplies as new growth is considered.

As we adapt to California’s new water future we can not afford to leave disadvantaged communities behind. Disadvantaged communities already struggle with failing water systems that lose water through leakage and flushing, and many, suffering from historical infrastructure neglect, do not have the resources to make repairs or improvements.

New tools must be developed if communities are to maintain reliable water supplies while also accommodating new growth and enhancing economic development.

SOLUTION

AB 1408 amends current law that requires the proof of available water supplies for new developments, giving developers the option to voluntarily offset the projected water demand of the proposed subdivision. AB 1408 supports the state goal of reducing per capita water use while providing builders more options and flexibility in

meeting the legal requirements to demonstrate an adequate water supply.

AB 1408 would offer developers either or both of the following options:

- 1) Receive credit in the water supply verifications for incorporating verifiable “extraordinary water conservation measures” in the subdivision that exceed existing regulatory requirements and reduce the water demand of the development.
- 2) Contribute to a “Water Conservation Mitigation Fund” to finance the offset of at least 100% of the projected water demand of the subdivision. The funds would be administered by the public water system to implement quantifiable “extraordinary water conservation measures,” including enhanced local water development, either within the new development or elsewhere within the local water supplier’s service area, with a percentage of the funds committed to local disadvantaged communities.

AB 1408’s innovative approach to new housing provides OPTIONAL alternatives that would substantially mitigate one of the most significant ongoing resource impacts of residential developments, new water demands.

Water suppliers would also have an essential tool that can enhance water supply reliability while facilitating the development of sustainable communities in their service areas. And all Californians would benefit by “evolving” the housing industry in support of economic renewal and water sustainability.

BACKGROUND

Over the past four years, the East Bay Municipal Utility District (EBMUD) has successfully “field tested” this approach with over 700 homes constructed within the Camino Tassajara development in Contra Costa County. The four developers at this site have installed state-of-the-art conservation features in their homes and all pay into a “Demand Mitigation Fund.” Like AB 1408’s proposed Water Conservation Mitigation Fund, this enables EBMUD to finance additional water-saving measures, including recycling, to reduce the new water demand of the development project to zero.

AB 1408 takes a similar approach to EBMUD's successful model. In AB 1408, local water suppliers would partner with developers and play a key role at various stages of implementing this approach: estimating the projected demand of the development; identifying the most effective measures to offset the new water demand; administering the Water Conservation Mitigation Fund for each subdivision; verifying the ongoing water savings and consumption in the subdivision; and reporting this information in its Urban Water Management Plan. EBMUD has already demonstrated this approach can work, particularly with developers who seek to provide new housing in areas where water supplies are limited.

EXISTING LAW

Cities and counties must consider information provided by water suppliers when they act on proposals for large-scale residential, commercial, hotel, industrial, or mixed-use projects (SB 901, Costa, 1995). Every large-scale development project must have a water supply assessment (SB 610, Costa, 2001). Before cities and counties can approve large-scale subdivisions, they must include a condition that a sufficient water supply must be available (SB 221, Kuehl, 2001).

BILL STATUS

2/27/09 Introduced
4/22/09 ASM Local Govt Comm. (5-2)
4/28/09 ASM Water, Parks, & Wildlife (8-4)
5/20/09 ASM Appropriations

SUPPORT

Co- Sponsors:

Planning & Conservation League
&

East Bay Municipal Utility District

- California Special Districts Association
- California Municipal Utilities Association
- California Trout
- Clean Water Action California
- Defenders of Wildlife
- Desal Response Group
- Friends of the River
- Pacific Coast Federation of Fishermen's Associations
- Natural Resources Defense Council
- Robert A. Meacher, Plumas County Supervisor
- Restore the Delta

- Santa Clara County Creeks Coalition
- Santa Clarita Organization for Planning and the Environment
- Sierra Club California
- Sierra Nevada Alliance
- Southern California Watershed Alliance
- Urban Semillas
- Winnemem Wintu Tribe

OPPOSITION

- California Building Industry Association
- Desert Water Agency
- East Valley Water District
- California Business Properties Association
- California Chamber of Commerce
- California Apartment Association
- American Council of Engineering Companies – California
- Associated General Contractors of America
- Western Electrical Contractors Association

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